

Amendment No. 1 to HB1409

Marsh
Signature of Sponsor

AMEND Senate Bill No. 1732

House Bill No. 1409*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-18-127, is amended by designating the existing language as subsection (a) and by adding the following language:

(b)

(1) Upon removing the defendant in any judgment under this chapter, the plaintiff or a designated representative of the plaintiff, shall place the defendant's personal property:

(A) On the premises from which the defendant is being removed;

(B) In an appropriate area clear of the entrance to the premises;

and

(C) At a reasonable distance from any roadway.

(2) The plaintiff or a designated representative of the plaintiff shall not disturb the defendant's personal property for forty-eight (48) hours. After such forty-eight (48) hours, the remaining personal property of the defendant may be discarded by the plaintiff or a designated representative of the plaintiff.

(c) All actions of any county, municipality, metropolitan form of government or other local government relative to the disposition of personal property after the execution of a writ of possession shall be temporarily suspended during the forty-eight-hour time period created pursuant to subsection (b). Notwithstanding this subsection (c), a county, municipality, metropolitan form of government or other local government shall not be liable for any damages to the defendant's personal property.

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(d) The plaintiff or a designated representative of the plaintiff, acting in accordance with this section, shall not be liable for any damages to the defendant's personal property during or after the forty-eight-hour time period, unless it can be established by clear and convincing evidence that the damages resulted from a malicious act or malicious omission of the plaintiff or a designated representative of the plaintiff.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.